IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

WP(C).No. 34580 of 2006(N)

PETITIONER:

JIJI MATHEW,
AGED 46 YEARS, S/O.P.M.MATHEW,
PITTAPPILLIL HOUSE, PERINGAZHA,
MARADY VILLAGE, MUVATTUPUZHA.

BY ADV. SRI.GEORGE SEBASTIAN

RESPONDENTS:
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1. THE TAHSILDAR, MUVATTUPUZHA.

2. SALES TAX OFFICER,
MUVATTUPUZHA.

3. SCARIA YOHANNAN,
PUTHENPURAKKAL HOUSE, PIRAMADOM,
MUVATTUPUZHA.

R1&2 BY G.P. SRI.MOHAMMED RAFFIQ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE NOTICE DT.27.10.2006 ISSUED BY R1.

P2: TRUE COPY OF REPRESENTATION DT.22.12.2006 FILED BY PETITIONER.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.34580 of 2006

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Dated this the 29th day of May, 2007.

JUDGMENT

The petitioner is challenging sale of his properties to third respondent in recovery proceedings. Liability is stated to be only around Rs.1.5 lakhs. Even though sale was made, confirmation of sale is stayed by this court. Inspite of notice to third respondent, he has not appeared or raised any objection. Counsel for the petitioner submitted that petitioner is willing to deposit the entire arrears within one month from today. In the circumstances, W.P. is allowed quashing the sale in favour of the third respondent on the following conditions. The petitioner will deposit balance liability with interest after setting off the sale proceeds deposited by third respondent against liability on or before 30.6.2007. Besides this, petitioner will give a crossed Demand Draft taken from a Nationalised Bank payable at the same centre to third respondent for the amount deposited by third respondent with one and a half per cent interest thereon per month from date of deposit till 30.6.2007 to the Tahsildar to be handed over to the third respondent. If the above directions are not complied with, then the Tahsildar is free to proceed for confirmation of sale in favour of third

respondent after 30.6.2007. I make it clear that this court has not verified the liability due from the petitioner and therefore, it would be open to the recovery authority to recover any other amount or liability that may be due from the petitioner other than the amount stated above.

C.N.RAMACHANDRAN NAIR
Judge

pms